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Deposited On: 9/13/2005

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PTO/SB/30 (09-04)

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<p><b>Request for Continued Examination (RCE) Transmittal</b></p> <p>Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> 		<p>Application Number      10/666,832</p> <p>Filing Date            09/17/2003</p> <p>First Named Inventor   Donald E. Weder</p> <p>Art Unit                3644</p> <p>Examiner Name          F. Palo</p> <p>Attorney Docket Number 8403.952</p>
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This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii.  Other \_\_\_\_\_



- ## 2. Miscellaneous

a.  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  
b.  Other

- 3. Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

- a.  Deposit Account No. \_\_\_\_\_ I have enclosed a duplicate copy of this sheet.

- i.  RCE fee required under 37 CFR 1.17(e) | 09/15/2005 MBIZUNES 00000075 10666832

ii.  Extension of time fee (37 CFR 1.136 and 1.17) | 01 FC:1801 790.00 OP

iii.  Other \_\_\_\_\_

- b.  Check in the amount of \$ \_\_\_\_\_ enclosed

- c.  Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Signature		Date	09/13/2005
Name (Print/Type)	Kathryn L. Hester	Registration No.	46,768

**CERTIFICATE OF MAILING OR TRANSMISSION**

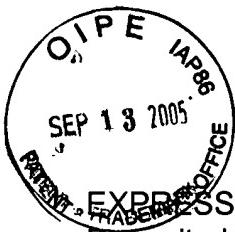
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below. 

Signature

Name (Print/Type) Kathryn L. Hester Date 09/13/2005

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



EXPRESS MAIL NO.: EL978647914US

Deposited On: September 13, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/666,832 Confirmation No.: 6841  
Applicant(s) : Donald E. Weder  
Filed : 09/17/2003  
TC/Au : 3644  
Examiner : F. Palo  
Title : METHOD OF COVERING A POTTED PLANT  
Docket No. : 8403.952  
Customer No. : 30589

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**(37 C.F.R. 1.114)**

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. §1.114, for the above-identified application.

**Warning:** 35 U.S.C. 132(b) and § 1.114 provide for the continued examination of an application and **not** examination of a continuing application. Accordingly, the Office will not permit an application to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined.

**Warning:** A continued examination request **cannot** be made if at least one office action under 35 U.S.C. 132 or a Notice of Allowance under 35 U.S.C. 161 has not been mailed. The provisions of 37 CFR 1.114 also do not apply (1) to a provisional application, an application for a utility or plant patent filed under 35 U.S.C. 111(a); (2) an international application filed under 35 U.S.C. 363 before June 8, 1995; (3) a patent under reexamination or (4) an application for a design patent. (37 CFR 1.114(d)).

**Note:** There is no limit to the number of times the fee for continued examination may be submitted. Notice of March 10, 2000.

**Note:** Unlike a continuation application, a continued examination request **can** utilize the mailing procedure of 37 CFR 1.8.

**TIME REQUEST IS BEING MADE**

2. This request is being submitted prior to:
  - i. [ X ] abandonment of the application
  - ii. [ ] Payment of the Issue Fee:  
[ ] Prior to payment of the Issue Fee

- Issue Fee has been paid but a petition under §1.313 has been granted

- iii.
  - Prior to a decision on appeal to the Board of Patent Appeals and Interferences

- A notice is being separate sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.

Note: *If such a notice is not sent to the Board, then may refuse to vacate a decision rendered after the filing of the RCE but before recognition by the Office of the RCE request under § 146.*

- iv.
  - Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or  Commencement of a civil action under 35 U.S.C. 146

- Prior to the filing of such appeal or commencement of civil action.

- Such appeal or commencement of civil action has been terminated.

## ENCLOSURES

- 3. Enclosed herewith:

**WARNING:** *If reply to a final or non-final Office Action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111 37 C.F.R. § 1.114(b).*

- Information Disclosure Statement ( 37 CFR § 1.98)

- Form PTO-1449

- Amendment

- New Arguments

- New evidence in support of patentability

- Other: Petition for Extension of Time; Credit Card Form; Return Postcard.

## FEE FOR REQUEST

4. This application is on behalf of:

[ ] Small Entity (and status is still as small entity) \$395.00

[ X ] Other than a small entity: \$790.00

Continued Prosecution Request Fee: \$ 790.00

*NOTE: The fee for continued examination under § 1.114 (§ 1.17(e) does not include additional claims fee.*

*The filing fee for a continued prosecution application filed under this paragraph is: (i) the basic filing fee as set forth in § 1.16; and any additional § 1.16 fee due based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under this paragraph and entry of any amendments under § 1.116 unentered in the prior application which Applicant has requested to be entered in the continued prosecution application.*

## FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. § 1.16(b)-(d) has been calculated as shown below:

	CLAIMS AFTER RESPONSE	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	SMALL ENTITY ADDITIONAL RATE FEE	OTHER THAN SMALL ENTITY ADDITIONAL RATE FEE
TOTAL	25	29	0	X25 = \$00.00	X50 = \$
INDEP.	2	3	0	X100 = \$00.00	X200 = \$
PRESENTATION OF MULTIPLE DEP. CLAIM				X180 = \$00.00	X360 = \$
TOTAL ADDITIONAL FEE				\$00.00	\$00.00

[ X ] No additional fee is required

Or

[ ] Total Additional Fee Required: \$ \_\_\_\_\_

## EXTENSION OF TIME

### 6. Extension of Time

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

- (a)  Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below. **PLEASE CONSIDER THIS A PETITION THEREFOR.**

EXTENSION FOR (Months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
[ ] One month	\$120.00	\$60.00
[ X ] Two months	\$450.00	\$225.00
[ ] Three months	\$1,020.00	\$510.00
[ ] Four months	\$1,590.00	\$795.00
[ ] Five months	\$2,160.00	\$1,080.00

- An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request: \$ 450.00

**OR**

- a.  Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that Applicant inadvertently overlook the need for a petition and fee for extension of time.

## **TOTAL FEE(S) DUE**

*WARNING: The fee for continued examination under § 1.114 may not be deferred.*

7. The total fee(s) is/are:

Continued Prosecution Fee (§ 1.17e)	\$ <u>790.00</u>
Fee(s) for additional claims (if any) (§ 1.16(b)-(d))	\$ <u>-0-</u>
Extension of Time fee (if any) (§ 1.17(a)(1)-(4))	\$ <u>450.00</u>

## **PAYMENT OF FEES DUE**

8. Please pay the fee(s) for this continued examination application as follows:

- The Commissioner is hereby authorized to charge \$ 790.00 to cover the Continued Prosecution fee.
- The Commissioner is hereby authorized to charge \$ 0.00 to cover the fees for the additional claims.
- The Commissioner is hereby authorized to charge \$ 450.00 to cover the fee for the Extension of Time.
- The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment.

## **INVENTORSHIP**

9. This Application as amended names as inventors:

- the same inventors as previously designated for the claims.
- fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.
- a person not named previously as an inventor and a petition under 37 CFR §1.48 is/has separately [ ] being filed [ ] been filed.

Respectfully submitted,



Kathryn L. Hester, Reg. No. 46,768  
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Agent for Applicant



**EXPRESS MAIL NO.: EL978647914US**  
**Deposited On: September 13, 2005**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Application No. : 10/666,832 Confirmation No.: 6841**  
**Applicant(s) : Donald E. Weder**  
**Filed : 09/17/2003**  
**TC/A.U. : 3644**  
**Examiner : F. Palo**  
**Title : METHOD OF COVERING A POTTED PLANT**  
**Docket No. : 8403.952**  
**Customer No. : 30589**

**Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**REQUEST FOR CONTINUED EXAMINATION  
IN ACCORDANCE WITH 37 CFR 1.114**

Sir:

This is a Request for Continued Examination filed pursuant to the Office Action mailed May 12, 2005, please amend the above-identified application as follows:

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks/Arguments** begin on page 10 of this paper.